

NOTARY PUBLIC-DELAWARE
My Commission Expires June 15, 2008

KIMBERLY J. RYAN

License No. 16512

Sworn to before me on June 30, 2008

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatsoever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

Other identifying features:

☐ Male ☒ Female
☐ White Skin ☒ Black Skin
☐ Yellow Skin ☐ Blonde Hair
☐ Brown Hair ☒ Black Hair
☐ Gray Hair ☐ Red Hair
☐ Beard ☐ Mustache
☐ Glasses ☐ Balding
☐ 14-20 Yrs. ☐ 21-35 Yrs. ☐ 36-50 Yrs. ☐ 51-65 Yrs. ☐ Over 65 Yrs.
☐ Under 5' ☐ 5'0"-5'3" ☐ 5'4"-5'8" ☐ 5'9"-6'0" ☐ Over 6'
☐ Under 100 Lbs. ☒ 100-130 Lbs. ☐ 131-160 Lbs. ☐ 161-200 Lbs. ☐ Over 200 Lbs.

communication was from an attorney or concerned an action against the defendant.
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore addressed to defendant at defendant's actual place of business, at
Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.
Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at
said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.
and deposited
Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at
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in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as a DOMESTIC corporation, by delivering thereof a true copy of each to MARY DRUMMOND personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.
by delivering thereof a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereof, having called there

STATE OF DELAWARE, COUNTY OF NEW CASTLE SS: The undersigned, being duly sworn, deposes and says: deponent is not a party herein, is over 18 years of age and resides in the State of Delaware at 2:33P. M., at 2711 CENTERVILLE ROAD, SUITE 400, WILMINGTON, DE 19801, U.S. DRY CLEANING CORPORATION and complaint on U.S. DRY CLEANING CORPORATION, C/O CORPORATION SERVICE COMPANY, REGISTERED AGENT SEE ATTACHED RIDER
That on 6/30/08 deponent served the within summons, and complaint on U.S. DRY CLEANING CORPORATION, C/O CORPORATION SERVICE COMPANY, REGISTERED AGENT
defendant therein named.

AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)
SEE ATTACHED RIDER
Index No. 08 CIV 5763 LTS

Defendant(s)

Plaintiff(s)

U.S. DRY CLEANING CORPORATION,
against

MERCER CAPITAL LTD.,

COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- Civil Cover Sheet
- Electronic Case Filing Rules & Instructions; and
- Individual Practices of Judge Francis;
- Individual Practices of Judge Laura Taylor Swain;
- Rule 7.1 Statement;
- Summons in a Civil Action;

LIST OF DOCUMENTS SERVED:

-----X-----

U.S. DRY CLEANING CORPORATION,

vs.

RIDER TO
AFFIDAVIT
OF SERVICE

-----X----- Case No. 08 CIV 5763 LTS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MERCER CAPITAL LTD.,

JUDGE SWAIN

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MERCER CAPITAL LTP.

V.

SUMMONS IN A CIVIL ACTION

U.S. DRY CLEANING CORPORATION
CASE NUMBER: 08 CIV 5763

TO: (Name and address of Defendant)

U.S. DRY CLEANING CORPORATION

125 E. TAHQUJZ CANYON, SUITE 203
PALM SPRINGS, CA 92262

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

TRENHART & ZAKARIAN, LLP

347 FIFTH AVENUE, STE 1000

NEW YORK, NY, 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DATE

JUN 26 2008

RETURN OF SERVICE	
Service of the Summons and complaint was made by me on DATE <u>6/30/08 at 2:33 PM</u> TITLE <u>PROCESS SERVER</u>	NAME OF SERVER (PRINT) <u>Daniel Newcomb</u> (Check one box below to indicate appropriate method of service)
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): <u>U.S. DRY CLEANING CORPORATION - Accepted by company Document</u> <u>C/O CORPORATION SERVICE COMPANY, REGISTERED AGENT</u> <u>2711 CENTERVILLE ROAD, SUITE 400</u> <u>WILMINGTON, DE 19806</u>	
STATEMENT OF SERVICE FEES	
SERVICES	TOTAL \$0.00
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.	
Executed on <u>June 30, 2008</u> Signature of Server <u>[Signature]</u> Address of Server <u>233 Broadway #2201 New York, NY 10279</u>	Sworn before me a Notary Public of the State of Delaware on June 30, 2008 <u>[Signature]</u> KIMBERLY J. RYAN NOTARY PUBLIC-DELAWARE My Commission Expires June 15, 2012

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 08 CIV 5763 LTS
MERCER CAPITAL LTD.,

vs.

U.S. DRY CLEANING CORPORATION,

RIDER TO
AFFIDAVIT
OF SERVICE

-----X

LIST OF DOCUMENTS SERVED:

- Summons in a Civil Action;
- Complaint;
- Rule 7.1 Statement;
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- Civil Cover Sheet